

## **REMARKS**

Applicant is in receipt of the Office Action mailed September 15, 2004. Claims 1-54 were pending in the application prior to the present amendment. Applicant has amended various of the claims and submits new claims to more fully and completely claim Applicant's invention. Claims 1-62 are pending in the present case. Reconsideration of the present case is earnestly requested in light of the following remarks.

### **§102 Rejections**

Claims 1-7, 10, 32-37, and 49-50 were rejected under 35 U.S.C. 102(e) as being anticipated by Fowlow et al. (U.S. Patent No. 6,189,138 B1, hereinafter "Fowlow"). This rejection is respectfully traversed.

As the Examiner is certainly aware, anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim. *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984). The identical invention must be shown in as complete detail as is contained in the claims. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Applicant respectfully submits that Fowlow nowhere teaches or suggests ". . . identifying and displaying information indicating a plurality of possible program elements in the search window in accordance with the one or more search criteria. . .", ". . . receiving user input selecting a program element from the plurality of possible program elements. . ." and/or ". . . including the selected program element in the program" as currently recited by claim 1.

Rather, Applicant respectfully submits that Fowlow teaches and discloses "a file browsing utility such as shown in FIG. 6 at 600. It will be appreciated by those of skill in the computer programming arts that file browsing utility 600 facilitates the construction

of object applications by providing the programmer a relatively concise view of the files (e.g., program source files and executable code libraries) which constitute the program being constructed” (Fowlow col. 12, lines 1-7) (*emphasis added*). In other words, Fowlow teaches and discloses that the “file browsing utility such as shown in FIG. 6 at 600” shows “program source files and executable code libraries” which are already included in the program.

Fowlow further teaches and discloses that the browsing utility comprises a search mechanism by “. . . a find button 610 which, when depressed, provides the user with a means of identifying file and object characteristics that can be searched using search engines such as those well known in the computer science arts for searching objects and files based on a variety of characteristics (e.g. text strings). Next to Find 610 is a window 612 for entering information for imputing [sic] into the file search engine. Pattern window file 614 and contains window 616 both allow these to enter additional attributes to perform the searching function that is initiated upon activating find button 610” (Fowlow col. 12, lines 19-29) (*emphasis added*).

Fowlow then teaches displaying “three columns 620, 622, and 624 for displaying various files in a hierarchical display” in col. 12, lines 29-52. However, Fowlow also nowhere teaches or suggests that information in “columns 620, 622, and 624” is a result of “the searching function that is initiated upon activating find button 610”:

Region 618 of window 600 includes in the illustrative embodiment three columns 620, 622, and 624 for displaying various files in a hierarchical display. In one embodiment, files that are at a more general end of a file tree structure are displayed on the left hand side in column 620. Such files may include other, shown at 626, or source, shown at 628 which is illustrated as having been selected by the parallel lines arranged above and below the label, shown at 628. If files are contained within the source directory, these files are listed in column 622 as shown, for example, by the file "sample.cc" 630. Where a subdirectory available within the higher level directory the subdirectory would appear in column 622 in a format substantially identical to those shown in 620. Selecting the subdirectory, (not shown) would cause a display of files and subdirectories located in

the selected subdirectory to appear in column 624. As will be familiar to those of skill in the art, were additional subdirectories displayed in column 624 selection of one of those additional directories would cause a redistribution of the columns so that entries in column 620 would be replaced by those in column 622, the entries in 623 would be displayed in column 622, and the entries in the subdirectory originally provided in 624 would be displayed in column 624. (Fowlow col. 12, lines 29-52) (*emphasis added*)

Applicant respectfully submits that Fowlow does not teach or suggest that information in the “three columns 620, 622, and 624 for displaying various files” is a result of “the searching function that is initiated upon activating find button 610”, and further as noted above Applicant submits that the files shown in these columns are files that are already included in the program.

In contrast, Applicant’s invention as currently recited by claim 1 includes in pertinent part “. . . identifying and displaying information indicating a plurality of possible program elements in the search window in accordance with the one or more search criteria. . .” Fowlow nowhere teaches or suggests this feature. Thus, Applicant respectfully submits that claim 1 is patentably distinguished over Fowlow.

The Office Action asserts that Fowlow teaches “. . . receiving user input for selecting a program element from the plurality of possible program elements (column 12, lines 53-67). . .” Fowlow teaches and discloses in col. 11, line 64 - col. 12, line 2 “a second interface” which is shown in Fowlow’s FIG. 6, Fowlow also teaches and discloses in col. 12, lines 53-57 “a third interface” which is shown in Fowlow’s FIG. 7. In other words, Fowlow nowhere teaches or suggests that the third interface as described in Fowlow’s col. 12, line 53 - col. 13, line 16 comprises “. . . a find button 610 which, when depressed, provides the user with a means of identifying file and object characteristics. . .” Fowlow teaches that “third interface” which is illustrated by Fowlow’s FIG. 7: “Such information may include items such as the name of the component, various key words which can be search [sic], e.g., using browser 600, various

related components, to the selected component or part, various related components to the selected component or part. . .” (Fowlow col. 13, lines 1-5) (*emphasis added*).

Fowlow does not teach or suggest that this information of Fowlow’s FIG. 7 is a result of a search. In other words, Fowlow does not teach or suggest that information displayed in the “third interface” which is illustrated by Fowlow’s FIG. 7 is a result of a “searching function that is initiated upon activating find button 610.”

In contrast, Applicant’s invention as currently recited by claim 1 includes in pertinent part “. . .receiving user input selecting a program element from the plurality of possible program elements. . .” Fowlow nowhere teaches or suggests this feature. Thus, Applicant respectfully submits that claim 1 is patentably distinguished over Fowlow.

The Office Action asserts that Fowlow teaches “. . .incorporating the selected program element in a first window of the one or more windows of the program (figure 5, 552, column 11, lines 28-45).” Applicant respectfully submits that Fowlow nowhere teaches or suggests that any “component 552” of “component catalog 550” is a result of a search. In other words, Fowlow nowhere teaches or suggests that a “component 552” of “component catalog 550” is a result of a “searching function that is initiated upon activating find button 610.”

In contrast, Applicant’s invention as currently recited by claim 1 includes in pertinent part “. . .including the selected program element in the program”. Fowlow nowhere teaches or suggests this feature. Thus, Applicant respectfully submits that claim 1 is patentably distinguished over Fowlow.

Accordingly, Applicant respectfully submits that, at least for one or more reasons presented, claim 1 and those dependent therefrom are allowable.

Claim 32 includes limitations similar to claim 1, specifically, the features “. . .identify and display information indicating a plurality of possible program elements in the search window in accordance with the one or more search criteria. . .”, “. . .receive user input selecting a program element from the plurality of possible program elements. . .”, and “. . .include the selected program element in the program”, and so the arguments

presented above apply with equal force to claim 32, as well. Accordingly, Applicant respectfully submits that, at least for one or more reasons presented, claim 32 and those dependent therefrom are allowable.

Claim 49 includes limitations similar to claim 1, and so the arguments presented above apply with equal force to claim 49, as well. Accordingly, Applicant respectfully submits that, at least for one or more reasons presented, claim 49 and those dependent therefrom are allowable.

Furthermore, as mentioned above, Fowlow teaches and discloses that the “file browsing utility such as shown in FIG. 6 at 600” shows “program source files and executable code libraries” which are already included in the program.

In contrast, Applicant’s invention as currently recite by claim 49 includes in pertinent part “. . . wherein the plurality of possible program elements are selectable by the user from the search window to add functionality to the program (*emphasis added*)” Fowlow nowhere teaches or suggests this feature. Thus, Applicant respectfully submits that claim 49 is patentably distinguished over Fowlow. Accordingly, Applicant respectfully submits that, for at least this further reason, claim 49 and those dependent therefrom are allowable.

Removal of the §102 rejections is respectfully requested.

### **§103 Rejections**

Claims 8, 9, 11-31, 38-48, and 51-54 were rejected under 35 U.S.C. 103(a) as being unpatentable over Fowlow. This rejection is respectfully traversed.

Examiner has taken Official Notice to reject various of the claims under 35 U.S.C. 103(a). Pursuant to the MPEP §2144.03[C], Applicant respectfully traverses the Examiner’s taking of official notice. Applicant respectfully submits that one or more new and beneficial results of “one or more of the palette windows in the hierarchy of palette windows comprises a search item” was unexpected and nonobvious in either the Fowlow reference or in the prior art.

Moreover, sources available, however, does not diminish the requirement for actual evidence. That is, this showing must be clear and particular. See e.g., *C.R. Bard*, 157 F.3d at 1352, 48 USPQ2d at 1232. Furthermore, pursuant to the MPEP §2144.03[C] Applicant respectfully submits that “. . .the examiner must provide documentary evidence in the next Office action if the rejection is to be maintained. See also 37 CFR 1.104(c)(2). See *In re Zurko*, 258 F.3d at 1386, 59 USPQ2d at 1697. . .”

Furthermore, as Examiner is certainly aware, “It is impermissible. . .simply to engage in a hindsight reconstruction of the claimed invention, using the applicant’s structure as a template and selecting elements from references to fill the gaps.” *In re Gorman*, 933 F.2d 982, 987 (Fed. Cir. 1991).

Moreover, there is no motivation, teaching, nor suggestion provided in either the Fowlow reference or in the prior art. Accordingly, Applicant respectfully submits that a *prima facie* case of obviousness has not been established to reject claims 8,9, 11-31, 38-48, and 51-54.

The Office Action cites various of the dependent claims as being rejected under 35 U.S.C. 103. Various of the independent claims have been discussed to overcome rejections under 35 U.S.C. 102. Applicant also respectfully submits that various of the independent claims are nonobvious and are allowable, as well. Applicant respectfully submits: “If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)” as stated in the MPEP §2143.03. Accordingly, Applicant respectfully submits that claims 1-10, 32-39, and 49-51 are allowable.

Claim 11 includes limitations similar to claim 1, specifically, the features that “. . . identifying and displaying information indicating a plurality of possible palette items in the search window in accordance with the one or more search criteria. . .”, “. . .receiving user input selecting a palette item from the plurality of possible palette items. . .”, and “. . .including the selected palette item in the program”, and so the

arguments presented above apply with equal force to claim 11, as well. Thus, Applicant respectfully submits that claim 11 is patentably distinguished over Fowlow.

Furthermore, as discussed above, The Office Action asserts that Fowlow teaches “. . .incorporating the selected program element in a first window of the one or more windows of the program (figure 5, 552, column 11, lines 28-45).” Applicant respectfully submits that Fowlow nowhere teaches or suggests that any “component 552” of “component catalog 550” is a result of a search. In other words, Fowlow nowhere teaches or suggests that a “component 552” of “component catalog 550” is a result of a “searching function that is initiated upon activating find button 610.”

In contrast, Applicant’s invention as recited in claim 11 includes in pertinent part “. . .including the selected palette item in the program.” Fowlow nowhere teaches or suggests this feature.

Accordingly, Applicant respectfully submits that, at least for one or more reasons presented, claim 11 and those dependent therefrom are allowable.

Claim 40 includes limitations similar to claim 1, specifically, the features “. . .identify and display information indicating a plurality of possible palette items in the search window in accordance with the one or more search criteria. . .”, “. . .receive user input selecting a palette item from the plurality of possible palette items. . .”, and “. . .include the selected palette item in the program. . .”, and so the arguments presented above apply with equal force to claim 40, as well. Thus, Applicant respectfully submits that claim 40 is patentably distinguished over Fowlow. Accordingly, Applicant respectfully submits that, at least for one or more reasons presented, claim 40 and those dependent therefrom are allowable.

The Office Action asserts “As to claims 11, 20, 40, 44, 52, 54, Fowlow et al. shows. . .and incorporating the selected program element in a first window of the one or more windows of the program (figure 5, 552, column 11, lines 28-45).”

Applicant respectfully submits that claim 20 currently includes:

A computer-implemented method for searching a hierarchy of palette windows, the method comprising:

displaying a graphical user interface on a display of a computer system;

displaying in the graphical user interface a first palette window from a hierarchy of palette windows, wherein one or more of the palette windows in the hierarchy comprise palette items that are selectable by a user to include functionality in a program currently being edited in the graphical user interface;

receiving user input selecting a search item of the first palette window;

displaying in the graphical user interface a search window in response to said user input selecting the search item;

receiving user input in the search window specifying one or more search criteria;

identifying and displaying information indicating a plurality of possible palette windows in the search window in accordance with the one or more search criteria;

*receiving user input selecting a second palette window from the plurality of possible palette windows; and*

displaying in the graphical user interface the second palette window in response to said user input selecting the second palette window. *(emphasis added)*

Fowlow nowhere teaches or suggests these features. Thus, Applicant respectfully submits that claim 20 is patentably distinguished over Fowlow. Accordingly, Applicant respectfully submits that, at least for one or more reasons presented, claim 20 and those dependent therefrom are allowable.

Applicant also respectfully submits that numerous ones of the dependent claims recited further distinctions over the cited art. However, since the independent claims



have been shown to be patentably distinct, a further discussion of the dependent claims is not necessary at this time.

Removal of the §103 rejections is respectfully requested.

## CONCLUSION

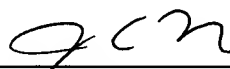
Applicant submits the application is in condition for allowance, and an early notice to that effect is requested.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert & Goetzel PC Deposit Account No. 50-1505/5150-43101/JCH.

Also enclosed herewith are the following items:

- ☒ Return Receipt Postcard
- ☐ Request for Approval of Drawing Changes
- ☐ Notice of Change of Address
- ☐ Check in the amount of \$            for fees (        ).
- ☐ Other:

Respectfully submitted,



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